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**From:** Hurlid, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]  
**Sent:** 4/20/2018 2:03:06 PM  
**To:** Chemerys, Ruth [Chemerys.Ruth@epa.gov]  
**Subject:** RE: CWA 404 Arizona Assumption

Yes, review when you can. The regulations and statute are on our webpage, you can also find it on the GPO site. I also have a hard copy here if you want. - kathy

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**From:** Chemerys, Ruth  
**Sent:** Friday, April 20, 2018 9:38 AM  
**To:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** RE: CWA 404 Arizona Assumption

Hi Kathy-

Would it be helpful to start reviewing the legislation now, an/or at least becoming familiar with the criteria? Are the latter on our webpage? If so, I can spend some time on it today.

Ruth

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**From:** Hurlid, Kathy  
**Sent:** Wednesday, April 18, 2018 7:27 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Morgan, James <Morgan.James@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Baldwin, Andrew <baldwin.andrew@epa.gov>; Groman, Hazel <Groman.Hazel@epa.gov>  
**Subject:** Fwd: CWA 404 Arizona Assumption

We have a date to work with the region to review az authorities by. June 1st.

I will look to set something up internal to EPA.

Sent from my iPhone

Begin forwarded message:

**From:** Heidi Welborn <Welborn.Heidi@azdeq.gov>  
**Date:** April 18, 2018 at 6:52:45 PM EDT  
**To:** "Ziegler, Sam" <Ziegler.Sam@epa.gov>, "Krista L. Osterberg" <Osterberg.Krista@azdeq.gov>  
**Cc:** "Goldmann, Elizabeth" <Goldmann.Elizabeth@epa.gov>, "Moffatt, Brett" <Moffatt.Brett@epa.gov>, "Hurlid, Kathy" <Hurlid.Kathy@epa.gov>  
**Subject:** RE: CWA 404 Arizona Assumption

Hi Sam,

I'm sorry I've been missing you by phone, and last week was basically a loss for business as usual for me. As such, you may know already, but the AZ 404 assumption legislation was signed last week by the Governor and the chaptered version is attached. I expect it to be effective in August and I don't anticipate the effective date to delay program development. Required modifications, however, would be something that could delay this process.

Thank you so much for the date by which to expect statutory review, June 1 (possibly sooner). We will appreciate your feedback and it will definitely inform how we move forward.

And yes, regarding the first scheduled Corps process meeting, we needed to get started on mapping the process as quickly as possible so we did schedule it for next week. The intent is for it to be more of a high level understanding meeting regarding the Corps processes for the following Corps products:

- Preliminary JD
- Approved JD
- Individual Permit
- Letter of Permission
- General Permits (nationwide)
  - Issuance/development of permit (is the branch involved in development?), and
  - coverage under it
- Regional Permits
  - Issuance/development of permit
  - Coverage under it
- Mitigation determination (part of permitting process, but perhaps, if it is the same for all permits, we should pull this process out and discuss separately)?
- Enabling Instrument development
- Any credit tracking products, if time
- If time, enforcement processes

We'd be happy for EPA to join the Corps mapping process on the 25<sup>th</sup> by phone (or WebEx), and I can send information if you're interested (do you have preference for just a call-in vs. trying to position a laptop in the room?).

Our intention is to also hold a subsequent meeting to review the process with multiple parties (e.g. you, Game and Fish, Fish and Wildlife....etc.) but I we'll have a better idea of details on that once we have this initial process mapping meeting and we'll need to make contact with those parties for availability, as appropriate. That second meeting would likely delve into more detail regarding any identified process problem areas and touched time vs. elapsed time.

Thanks so much,

Heidi M. Haggerty Welborn  
Water Quality Division Legal Specialist  
Arizona Department of Environmental Quality  
[Haggerty.heidi@azdeq.gov](mailto:Haggerty.heidi@azdeq.gov)  
602-771-4815

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**From:** Ziegler, Sam [<mailto:Ziegler.Sam@epa.gov>]  
**Sent:** Tuesday, April 17, 2018 11:45 AM  
**To:** Krista L. Osterberg <[Osterberg.Krista@azdeq.gov](mailto:Osterberg.Krista@azdeq.gov)>; Heidi Welborn <[Welborn.Heidi@azdeq.gov](mailto:Welborn.Heidi@azdeq.gov)>  
**Cc:** Goldmann, Elizabeth <[Goldmann.Elizabeth@epa.gov](mailto:Goldmann.Elizabeth@epa.gov)>; Moffatt, Brett <[Moffatt.Brett@epa.gov](mailto:Moffatt.Brett@epa.gov)>; Hurl, Kathy <[Hurl.Kathy@epa.gov](mailto:Hurl.Kathy@epa.gov)>  
**Subject:** RE: CWA 404 Arizona Assumption

Hi Krista and Heidi:

We have initiated the review of the AZ assumption legislation that recently passed the state legislature, as you requested. Our aim is to have comments to ADEQ no later than June 1, and possibly sooner.

I know from talking to my Corps colleagues that you are planning to meet with them on 4/25 to do process mapping for 404 permitting. I understand and appreciate that your plan is to meet with the Corps for this process mapping exercise, rather than also including EPA. That said, I'm wondering if there are plans to discuss the process mapping with EPA as a next step. We can provide input from EPA's experience and it would help us establish a common understanding of the current permitting process. Without a finer grain understanding of the your schedule/game plan, I continue to want to make sure that we plug in at the right time to help with your ambitious goal to get us an approvable submittal package in a year. I look forward to hearing more regarding your thoughts and plans.

With regards,

*Sam Zagler*

Chief, Wetlands Section  
U.S. EPA Region 9, Water Division